

ENTERED

January 30, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

LEE VAUGHN DAVIS,

Petitioner,

VS.

LORIE DAVIS,

Respondent.

§
§
§
§
§
§
§

CIVIL ACTION NO. 2:19-CV-31

OPINION AND ORDER OF TRANSFER

This is a habeas action filed on January 28, 2019, by a state prisoner incarcerated at the Robertson Unit in Abilene, Texas, which is located in Jones County. (D.E. 1). In his complaint, Petitioner challenges a conviction he received in Bell County, Texas. (D.E. 1).


A habeas action may be filed either in the district where petitioner is in custody or in the district in which petitioner was convicted. 28 U.S.C. § 2241(d); *Wadsworth v. Johnson*, 235 F.3d 959 (5th Cir. 2000). Petitioner's place of incarceration is in the Abilene Division of the Northern District of Texas, 28 U.S.C. § 124(a)(3), and he was convicted by a court located in Bell County in the Waco Division of the Western District of Texas. 28 U.S.C. § 124(d)(2).

For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought. 28 U.S.C. §§ 1404(a) and 1406(a). A habeas application may be

transferred in furtherance of justice to the other district court for hearing and determination. 28 U.S.C. § 2241(d). Because Petitioner was convicted in Bell County, it is more convenient and would further the interests of justice for this action to be handled in the Waco Division of the Western District of Texas. The records of his conviction and the prosecutor and defense lawyers are all located in the Waco Division of the Western District of Texas.

Accordingly, it is **ORDERED** that this case be **TRANSFERRED** to the United States District Court for the Western District of Texas, Waco Division. All pending motions are **DENIED as moot** and are subject to renewal after the case is transferred. The Clerk of Court is **DIRECTED** to **CLOSE** this case.

ORDERED this 29th day of January, 2019.


Jason B. Libby
United States Magistrate Judge